

Remarks/Arguments

Applicants have received and carefully reviewed the Final Office Action mailed December 23, 2008 and the Advisory Action mailed March 6, 2009. With this Amendment, claims 1, 4-5, 8, and 28 have been amended, claims 2-3, 13-15, and 19-23 have been canceled, and new claims 32 and 33 have been added. Claims 1, 4-5, 8, 28-33 remain pending. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 USC § 103

In paragraph 5 of the Final Office Action, claims 1-5, 8, 13-15, 19-23, and 28-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (U.S. Patent No. 6,099,497). After careful review, Applicants respectfully traverse this rejection.

Turning to claim 1, which recites:

1. (Currently Amended) A catheter system for positioning a stent at a vessel bifurcation, the catheter system comprising:

a catheter including a proximal end and a distal end, the catheter comprising:

a first tubular member including a proximal end and a distal end, the first tubular member defining an inflation lumen of the catheter and extending distally from the proximal end of the catheter;

a second tubular member defining channel having a main guidewire lumen extending proximally from a distal end of the second tubular member to a proximal end of the second tubular member, wherein the distal end of the second tubular member is a distal end of the catheter and the proximal end of the second tubular member defines of said catheter to a main guidewire exit port, said main exit port located at a first distance from said distal end, wherein [[said]] the main guidewire lumen is configured to receive a main vessel guidewire therethrough, wherein the second tubular member is at least partially disposed within the inflation lumen of the first tubular member; [[and]]

a balloon including a proximal waist coupled to the first tubular member adjacent to the distal end of the first tubular member and a distal waist coupled to the second tubular member adjacent to the distal end of the second tubular member;

a branch guidewire enclosure positioned alongside said channel the first tubular member, wherein [[said]] the branch guidewire enclosure defines a lumen [[is]] configured to receive a branch vessel guidewire therethrough, a proximal end of the branch guidewire enclosure defining a branch guidewire exit port; and

a stent having a lumen and a side opening in a wall thereof, [[said]] the stent positioned on a distal portion of said channel about at least a portion of the balloon, and wherein a distal portion of [[said]] the branch guidewire enclosure is

positioned through [[said]] the lumen of the stent and exits exiting at [[said]] the side opening[[.]];

wherein said branch guidewire enclosure extending proximally from said side opening of said stent to a branch exit port, said branch exit port located at a second distance from said distal end of said catheter system, [[said]] the branch guidewire enclosure is bonded to [[said]] the first tubular member channel only at [[said]] the branch exit port, said first distance and said second distance being substantially equal, wherein the main guidewire exit port and the branch guidewire exit port are located proximal of the stem and distal of the proximal end of the catheter said first distance and said second distance are less than a distance from said distal end of said catheter system to a proximal end of said catheter system and greater than a distance from said distal end of said catheter system to said proximal end of said stent.

Without conceding the correctness of the rejection, and to further prosecution in this case, Applicants have amended claim 1 to further distinguish claim 1 from the cited reference. Nowhere does Adams et al. appear to disclose many elements of claim 1, including for example, "a second tubular member defining a main guidewire lumen extending proximally from a distal end of the second tubular member to a proximal end of the second tubular member, wherein the distal end of the second tubular member is a distal end of the catheter and the proximal end of the second tubular member defines a main guidewire exit port, wherein the main guidewire lumen is configured to receive a main vessel guidewire therethrough, wherein the second tubular member is at least partially disposed within the inflation lumen of the first tubular member", "a balloon including a proximal waist coupled to the first tubular member adjacent to the distal end of the first tubular member and a distal waist coupled to the second tubular member adjacent to the distal end of the second tubular member", "a branch guidewire enclosure positioned alongside the first tubular member, wherein the branch guidewire enclosure defines a lumen configured to receive a branch vessel guidewire therethrough, a proximal end of the branch guidewire enclosure defining a branch guidewire exit port", and "wherein the branch guidewire enclosure is bonded to the first tubular member only at the branch exit port, wherein the main guidewire exit port and the branch guidewire exit port are located proximal of the stent and distal of the proximal end of the catheter". Therefore, for at least these reasons, claim 1 is believed to be not anticipated by Adams et al. For similar reasons and others, claims 4-5 and 8, which depend from claim 1 and include additional distinguishing features, are believed to be not anticipated by Adams et al.

Turning to claim 28, which recites:

28. (Currently Amended) A catheter comprising:
a proximal tube extending from a proximal end to a distal end;
a first distal tube having a proximal open end, the first distal tube being
configured to receive a first guidewire;
a second distal tube having a proximal open end, the second distal tube
being configured to receive a second guidewire; and
a bond having a proximal end and a distal end, the proximal end of the
bond coupled to connecting to the proximal tube at the distal end of the proximal
tube, the distal end of the bond coupled connecting to the first distal tube adjacent
to the proximal open end such that [[at]] the proximal open end of the first distal
tube remains open to define a first guidewire exit port, and the distal end of the
bond coupled connecting to the second distal tube adjacent to [[at]] the proximal
open end such that the proximal open end of the second distal tube remains open to
define a second guidewire exit port, wherein the second distal tube is detached
from the first distal tube outside of the bond.

Without conceding the correctness of the rejection, and to further prosecution in this case, Applicants have amended claim 28 to further distinguish claim 28 from the cited reference. Nowhere does Adams et al. appear to disclose many elements of claim 28, including for example, “a bond having a proximal end and a distal end, the proximal end of the bond coupled to the distal end of the proximal tube, the distal end of the bond coupled to the first distal tube adjacent to the proximal open end such that the proximal open end of the first distal tube remains open to define a first guidewire exit port, and the distal end of the bond coupled to the second distal tube adjacent to the proximal open end such that the proximal open end of the second distal tube remains open to define a second guidewire exit port”. Therefore, for at least these reasons, claim 28 is believed to be not anticipated by Adams et al. For similar reasons and others, claims 29-31, which depend from claim 28 and include additional limitations, are believed to be not anticipated by Adams et al.

Newly Presented Claims

With this Amendment, Applicants have added newly presented claims 32 and 33. For similar reasons discussed above, as well as others, claims 32 and 33 are believed to be patentable over the cited references.

Conclusion

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Further examination and withdrawal of the rejections is respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,



Date: August 4, 2009

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